

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

CAROLENG INVESTMENTS LIMITED

Petitioner,

v.

BLUESTONE RESOURCES, INC.

Respondent.

C.A. No. 20-1793-RGA

PROPOSED ORDER ENFORCING WRITS OF FIERI FACIAS

Upon review and consideration of petitioner Caroleng Investments Limited' ("Caroleng") *Motion to Enforce Writs of Attachment Fieri Facias* on garnishees 1) Bluestone Mineral, Inc. ("BMI"), 2) National Resources, Inc. ("NRI"), 3) Bluestone Coal Sales Corporation ("BCSC"), 4) Nufac Mining Company, Inc. ("NMCI"), 5) Frontier Coal Company ("FCC"); 6) Kentucky Fuel Corporation ("KFC" and together with BMI, NRI, BCSC, NMCI, FCC, the "Subsidiaries") and the accompanying materials submitted in support of that Motion, and in accordance with 28 U.S.C. § 1610(c), Rule 69 of the Federal Rules of Civil Procedure, Local Rule 69.1, 10 Del. C. § 5031, 8 Del. C. § 324, and the Rules of the Delaware State Courts, the Court finds that:

On June 4, 2021, the Court entered its *Order Recognizing and Enforcing Arbitration Award* (ECF 43) and on June 7, 2021, entered its *Final Judgment* (ECF 45, the "Judgment") in favor of Caroleng and against the judgment debtor Bluestone Resources, Inc. ("Judgment Debtor" or "Bluestone Resources") in the amount of the final award of \$8,408,723.56, plus pre-award interest of \$1,723,796.64, for a total amount of \$10,132,520.20, plus interest at the simple rate of 9% per annum from May 13, 2020 until payment, of which almost the entire amount currently remains unpaid.

On January 23, 2024, this Court granted Caroleng's *Motion for an Order Authorizing the Issuance of Writs of Attachment Fieri Facias* on the Subsidiaries, and on February 2, 2024, the United States Marshal Service served the *Writs of Attachment Fieri Facias* on each of the Subsidiaries (the "Writs," see process return and receipts, ECF 53-58). The Writs commanded each of the Subsidiaries to serve, within 20 days, "a verified answer, which shall specify what

assets, debts, shares and/or any and all rights incident to same, belonging to judgment debtor that you currently possess.”

More than four months after service of the Writs, none of the Subsidiaries have served or filed its “verified answer.”

Subsidiary BMI is wholly owned by judgment debtor Bluestone Resources, according to responses to post-judgment discovery requests.

In light of the foregoing, it is hereby **ORDERED** that:

- 1) Petitioner's motion is GRANTED;
- 2) This Court has jurisdiction over the enforcement of its Judgment pursuant to Rule 69 of the Federal Rules of Civil Procedure;
- 3) The February 2, 2024 service of the Writs on each of the Subsidiaries by the U.S. Marshal Service shall constitute a valid and perfected attachment on all of the Judgment Debtor's property in the custody of the Subsidiaries as of that date, including all of the shares held by the Judgment Debtor in any of the Subsidiaries, including but not limited to all of the shares of BMI (the “BMI Shares”);
- 4) The BMI Shares shall be sold to satisfy the Judgment pursuant to 8 Del. C. § 324, and according to the terms of an Initial Sale Order, in a form to be proposed by the parties within 30 days of the entry of this Order. The Initial Sale Order shall provide for notice of the sale to other creditors, with appointment of an Interim Receiver to take control of BMI pending the sale of the BMI Shares, along with the appointment of a broker-dealer to conduct the sale;
- 5) Copies of this Order shall be served by Caroleng by U.S. Mail to the registered agent of each of the Subsidiaries, which shall have 15 days from service of the Order to serve verified answers, which shall include details as required by the Writs, including details of the BMI Shares, subject to being held in contempt of this Court, along with the entry of money judgments against the Subsidiaries in same amount as the Judgment, along with the costs of bringing the Motion;

SO ORDERED this th 10 day of June, 2024


DISTRICT COURT JUDGE